

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

14 On November 26, 2013, Magistrate Judge Michelle H. Burns issued a Report and  
15 Recommendation (“R&R”) recommending this case be dismissed with prejudice. No party  
16 filed objections. Therefore, the R&R will be adopted in full.

17 || Accordingly,

18       **IT IS ORDERED** the Report and Recommendation (**Doc. 14**) is **ADOPTED** and the  
19 Petition for Writ of Habeas Corpus (Doc. 1) is **DENIED** and **DISMISSED WITH**  
20 **PREJUDICE**.

21       **IT IS FURTHER ORDERED** a Certificate of Appealability and leave to proceed in  
22 forma pauperis on appeal are **DENIED** because the dismissal of the petition is justified by  
23 a plain procedural bar and jurists of reason would not find the procedural ruling debatable.

24 DATED this 6<sup>th</sup> day of January, 2014.

  
Roslyn O. Silver  
Senior United States District Judge